

**Table 3-2 Cases Incorporating Provisions of the Bill of Rights into the Due Process Clause of the Fourteenth Amendment**

Constitutional Provision	Case	Year
<b>First Amendment</b>		
Freedom of speech	<i>Gitlow v. New York</i>	1925
Freedom of press	<i>Near v. Minnesota</i>	1931
Freedom of assembly	<i>DeJonge v. Oregon</i>	1937
Freedom of petition	<i>Hague v. CIO</i>	1939
Free exercise of religion	<i>Cantwell v. Connecticut</i>	1940
Establishment of religion	<i>Everson v. Board of Education</i>	1947
<b>Second Amendment</b>		
Right to keep and bear arms	<i>McDonald v. City of Chicago</i>	2010
<b>Fourth Amendment</b>		
Unreasonable search and seizure	<i>Wolf v. Colorado</i>	1949
Exclusionary rule	<i>Mapp v. Ohio</i>	1961
Warrant requirement	<i>Aguiar v. Texas</i>	1964
<b>Fifth Amendment</b>		
Just compensation	<i>Chicago, Burlington and Quincy R. Co. v. City of Chicago</i>	1897
Self-incrimination	<i>Malloy v. Hogan</i>	1964
Double jeopardy	<i>Benton v. Maryland</i>	1969
When jeopardy attaches	<i>Crist v. Bretz</i>	1978
<b>Sixth Amendment</b>		
Public trial	<i>In re Oliver</i>	1948
Due notice	<i>Cole v. Arkansas</i>	1948
Right to counsel (felonies)	<i>Gideon v. Wainwright</i>	1963
Confrontation and cross-examination of adverse witnesses	<i>Pointer v. Texas</i>	1965
Speedy trial	<i>Klopfer v. North Carolina</i>	1967
Compulsory process to obtain witnesses	<i>Washington v. Texas</i>	1967
Jury trial (criminal cases)	<i>Duncan v. Louisiana</i>	1968
Right to counsel (misdemeanor when jail is possible)	<i>Argersinger v. Hamlin</i>	1972
Unanimous jury verdict (for serious crimes)	<i>Ramos v. Louisiana</i>	2020
<b>Eighth Amendment</b>		
Cruel and unusual punishment	<i>Louisiana ex rel. Francis v. Resweber</i>	1947
Excessive Bail	<i>Schilb v. Kuebel</i>	1971
Excessive Fines	<i>Timbs v. Indiana</i>	2019
<b>Ninth Amendment</b>		
Privacy <sup>a</sup>	<i>Griswold v. Connecticut</i>	1965

<sup>a</sup>The word *privacy* does not appear in the Ninth Amendment (nor anywhere in the text of the Constitution). In *Griswold*, several members of the Court viewed the Ninth Amendment as guaranteeing (and incorporating) that right.

**Note:** Provisions the Court has not incorporated include the following: the Third Amendment right against quartering soldiers, the Fifth Amendment right to a grand jury hearing, and the Seventh Amendment right to a jury trial in civil cases. See *McDonald v. City of Chicago* (2010), notes 12 and 13.